

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BERNARD COOKS,

★ SEP 10 2015 ★

LONG ISLAND OFFICE

Plaintiff,

ORDER

-against-

CV 13-3460

THE TOWN OF SOUTHAMPTON and
ERIC SICKLES, in his representative capacity
as a Police Officer of the Town of Southampton
Police Department,

Defendants.

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This is a civil rights action arising out of the execution of a search warrant at a residence in which Plaintiff was present in the Town of Southampton on January 19, 2011, during which Plaintiff was arrested. Plaintiff brings claims for false arrest, malicious prosecution and municipal liability, pursuant to 42 U.S.C § 1983. Presently before the Court is Defendants' motion for summary judgment.

Having reviewed the papers in support of and in opposition to the motion for summary judgment, the Court finds that a genuine issue of material fact exists with respect to whether Defendants had probable cause to arrest Plaintiff on January 19, 2011. Such an issue of fact precludes the entry of summary judgment at this time. The parties may renew their arguments at the time of trial.

Accordingly, Defendant's motion for summary judgment is denied. However, due to a conflict in the Court's calendar, the jury selection scheduled for October 13, 2015 is adjourned. The parties are hereby advised that jury selection will take place on June 1, 2016.

SO ORDERED:

Dated: Central Islip, New York
September 10, 2015

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s/ Leonard D. Wexler
LEONARD D. WEXLER
United States District Judge